

Robert S. Wagner, OSB #844115  
 Stan LeGore, OSB #943691  
 MILLER & WAGNER LLP  
 Trial Lawyers  
 2210 N.W. Flanders Street  
 Portland, OR 97210-3408  
 Telephone: (503) 299-6116  
 Facsimile: (503) 299-6106  
 E-mail: [rsw@miller-wagner.com](mailto:rsw@miller-wagner.com)  
[sml@miller-wagner.com](mailto:sml@miller-wagner.com)

Of Attorneys for Cornelius Defendants

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF OREGON

DIEGO MATA-GONZALEZ, LILIA LOPEZ-  
 GUZMAN, VLADIMIR MATA-LOPEZ,  
 JOHNNY MATA-LOPEZ,

Plaintiffs,

v.

OFFICER MIGUEL MONICO, OFFICER  
 JANSEN, OFFICER DUSTIN DeHAVEN,  
 OFFICER BRUCE SCHMID, SERGEANT  
 BRIAN SCHMID, SERGEANT  
 NOFFSINGER, OFFICER R. VENABLE,  
 CITY OF CORNELIUS, by and through the  
 Cornelius Police Department, JOHN  
 DOES #1-10, Cornelius Police  
 Department Employees, WASHINGTON  
 COUNTY, a political subdivision of the  
 State of Oregon, by and through the  
 Washington County Department of  
 Human Services and the Washington  
 County Sheriff's Office, LAURIE  
 WUTHRICH, HEATHER KITTO, JOHN  
 DOES #11-20, Oregon Department of  
 Human Services employees, DEPUTY J.  
 HERMANN, DEPUTY C. BOWMAN, JOHN  
 DOES #21-30, Washington County  
 Sheriff's Office employees,

Defendants.

Case No. 3:11-cv-260-PK

DEFENDANTS' MOTION FOR SUMMARY  
 JUDGMENT

(Oral Argument Requested)

///

**CERTIFICATE OF COMPLIANCE**

Counsel undersigned certifies that he made a good faith effort to discuss and resolve with plaintiffs' counsel. Plaintiffs' counsel had previously dismissed all claims against the Washington County defendants and the State of Oregon defendants. Plaintiffs' counsel has agreed to dismiss all remaining defendants except defendant Miguel Monico and the defendant City of Cornelius. The parties were unable to resolve the issues raised in this Motion.

**MOTION**

Pursuant to FRCP 56, defendants Officer Miguel Monico and the City of Cornelius, move for summary judgment on all of plaintiffs' claims against them. This Motion is supported by the following:

1. Memorandum in Support of Defendants' Motion for Summary Judgment;
2. Declaration of Stan LeGore in Support of Defendants' Motion for Summary Judgment and the exhibits attached thereto;
3. Declaration of Miguel Monico in Support of Defendants' Motion for Summary Judgment;
4. Declaration of Dustin DeHaven in Support of Defendants' Motion for Summary Judgment;
5. Declaration of Joe Noffsinger in Support of Defendants' Motion for Summary Judgment;
6. Declaration of Heather Kitto in Support of Defendants' Motion for Summary Judgment;
7. Declaration of Mark Jansen in Support of Defendants' Motion for Summary Judgment;
8. Declaration of Brian Schmid in Support of Defendants' Motion for Summary Judgment; and,

9. Declaration of Bruce Schmid in Support of Defendants' Motion for Summary Judgment.

DATED this 15<sup>th</sup> day of November, 2012.

MILLER & WAGNER LLP

By: /s/ Stan LeGore  
Robert S. Wagner, OSB #844115  
Stan LeGore, OSB #943691  
Of Attorneys for Cornelius Defendants  
(503) 299-6116

Trial Attorney:  
Robert S. Wagner, OSB #844115

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**, on the following party at the following address by notice of electronic filing using the CM/ECF system:

Michelle R. Burrows  
Attorney at Law  
618 N.W. Glisan St., Suite 203  
Portland, Oregon 97209  
503-241-1955  
[michelle.r.burrows@gmail.com](mailto:michelle.r.burrows@gmail.com)  
Of Attorneys for Plaintiffs

DATED this 15<sup>th</sup> day of November, 2012.

/s/ Stan LeGore  
Robert S. Wagner, OSB #844115  
Stan LeGore, OSB #943691  
503-299-6116